

Trautweiler et al., Tingler et al. (014) and Tingler et al. (505). The Examiner states that Trautweiler discloses photographic elements with thin transparent supports which are adhered to base materials after exposing and processing. The Examiner states that the Tingler references disclose the need for antistatic layers on opposite sides of supports from silver halide emulsion layers in order to prevent static generation from film processing and handling. The Examiner further states that the Tingler et al. references teach the use of protective layers on the antistatic layers to reduce friction. Further, the Examiner states that the applicant's argument that there is no disclosure in Trautweiler for protective backing layers is unconvincing since the two Tingler et al. patents would motivate one skilled in the art to add antistatic layers and their protective layers to the back of the transparent sheets of Trautweiler in order to provide static protection to the elements of Trautweiler et al. The Examiner states that the antistatic layers of Tingler et al. would inherently provide finger protection. This rejection is respectfully traversed.

Trautweiler discloses a system for imaging wherein an image is formed on a transparent substrate and then the substrate is adhered to a base with the transparent sheet on the surface through which the silver halide formed image is viewed. There is no disclosure or suggestion in Trautweiler that the upper surface transparent sheet should be provided with a protective layer or shield to protect the surface from fingerprints and spills of liquids. The two Tingler patents disclose the formation of imaging elements provided with an electrically conductive layer and a protective overcoat layer that overlays the electrically conductive layer. The electrically conductive layer apparently is formed onto the base material and not the surface through which the image is viewed. There is no disclosure suggestion of formation of an image on a transparent member that is adhered to a base material. Further, there is no disclosure or suggestion that the protective layer of the Tingler et al. patents which is designed to protect the antistatic layer during photographic development would be suitable for protection from fingerprints and scratching. It appears that the protection is from chemicals during development. Therefore, there is no disclosure suggestion that would lead one to a shield layer for Trautweiler. The teaching of the Tingler et al. patents in the use of overcoats for protection from developers would not lead one to the

instant invention which is protection of a finished image from fingerprints and liquid spills.

With respect to the argument of the Examiner concerning the obviousness of the placement of the antistatic layer, it is respectfully urged that there is no teaching of this combination. Further, there is no teaching that even if the combination is made the fingerprint protection layer will be formed or that such a layer would not interfere with viewing of the image beneath the transparent sheet. The Examiner has provided no disclosure or suggestion why such a layer would be suitable for fingerprint damage prevention or for protection from liquid spills without interfering with the viewing of the image. These issues certainly were not important with either of the Tingler et al. disclosures as each was placed on the backing member that was not in the line of view of the image and did not have a handled image. Further, the need for protection for fingerprint and spills of liquids is not apparent in either of the Tingler et al. references. The utility of the Tingler et al. layers for this purpose also is not suggested.

The instant claim 1 is directed to a developed image where antistatic action is not generally necessary. Tingler (505) is directed to a motion picture film and therefore not a material that has a base that is not transmissive as set forth in the instant claim. Further, each of the Tingler et al. references set forth that the antistatic layer is on the base of the image structure and not over the top of the image as instantly claimed. There is no disclosure or suggestion to place a two layer antistatic layer such as disclosed in Tingler et al. references over the image for fingerprint protection. The Examiner states that would be obvious to provide antistatic protection to the elements of Trautweiler et al. as is done in the Tingler et al. references. However, there is no disclosure suggestion in these references of how to deal with an element that has a transparent base which will later become the protective layer. There is no disclosure suggestion that the Tingler et al. antistatic layers provide protection from environmental damage to such as fingerprints. The layers of Tingler et al. protect antistatic material from losing its effectiveness but nowhere teach the desirability of scratch resistance and fingerprint resistance. This type of abuse would not generally disrupt antistatic protection but it is necessary to resist scratching and fingerprints for an image to remain in good condition as it is handled. The Examiner has provided no disclosure or suggestion that the Tingler et al. materials are suitable for the instant

invention if applied as an overcoat or that they would be used with the claimed type of photographic product.

At page 4 of the Office Action, claims 22-37 and 39-41 stand rejected under the judicially created doctrine of obviousness double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,326,109 Bourdelais et al. in view of Tingler et al. (014) and Tingler et al. (505). It is respectfully requested that this rejection be reconsidered and withdrawn in view of the terminal disclaimer that is filed with this amendment.

In paragraph 3, page 6 of the Office Action, claims 22-37 and 39 are rejected under 35 USC 103 as being obvious over the combination of European Patent Publication 1003073 Bourdelais et al. with Tingler et al. (014) and Tingler et al. (505). In paragraph 3 (2nd occurrence) on page 7 of the Office Action, the Examiner rejects claims 22-37 and 39 over Bourdelais et al. (310), the equivalent of EP 1003073 Bourdelais et al., in view of Tingler et al. (014) and Tingler et al. (505). These rejections will be dealt with simultaneously as the European and U.S. Bourdelais et al. publications are believed to be the same. The Examiner states that the Bourdelais et al. publications disclose thin photographic elements comprising polymer supports with silver halide emulsion layers which are exposed, developed and laminated onto opaque base sheets. The Examiner states that the Bourdelais et al. publications disclose the reduction of static by an antistatic backing coat applied to the opposite side from the image layer. The Examiner states that the two Tingler et al. patents disclose antistatic layers and protective layers having excellent physical and mechanical properties that reduce static and reduce abrasion. The Examiner states it is obvious to one skilled in the art to use the antistatic layers of the two Tingler et al. patents for the antistatic backing layers in the European publication. This rejection is respectfully traversed.

The Bourdelais et al. publications each disclose a thin transparent biaxially oriented polymer sheet having an image thereon that is formed and adhered to a reflective substrate to form a print. As pointed out by the Examiner, the thin polymer sheet may have an antistat on the opposite side from the image side. The Tingler et al. references as above discussed disclose the application of antistatic and protective layers to the opposite side of a photographic material from side having the imaging materials. There is no disclosure suggestion in

either Bourdelais et al. or the Tingler et al. publications that the layers thereon have fingerprint protection properties and/or protection from spills of liquids. Further, the anesthetic layers of the Tingler et al. patents are on the back of the imaging member and it is not disclosed or suggested that they are suitable for viewing of an image. The Examiner has provided no disclosure or suggestion either that the layers of Tingler et al. have fingerprint protection and liquid protection properties or that they are transparent such that an image may be clearly viewed through them. Therefore, it is respectfully requested that these rejections be reconsidered and withdrawn.

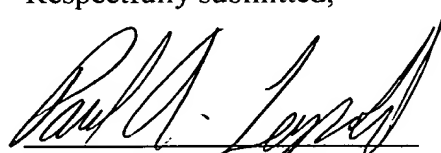
In paragraph 4, page 8 of the Office Action, claims 22-37, and 39 stand rejected under the judicially created doctrine of obviousness double patent as being patentable over claims 1-23 of U.S. Patent No. 6,344,310 in view of Tingler et al. (014) and Tingler et al. (505). It is respectfully requested that this rejection be reconsidered and withdrawn in view of the terminal disclaimer over U.S. Patent 6,344,310 attached hereto.

In paragraph 5 of the Office Action, the Examiner notes that Chinese publication CN125 4858 is a foreign equivalent of U.S. Patent 6,344,310 and has a publication date of May 31, 2000. Examiner asks whether the May 31, 2000 date is a patent date or a publication date. The Examiner is informed that it is a publication date.

Therefore, is respectfully requested that the rejections under 35 USC 103 and double patenting be reconsidered and withdrawn and that in early Notice Allowance be issued in this application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**"

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Leipold", written over a horizontal line.

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Version With Markings to Show Changes Made

In the Claims

Claim 22 has been amended as set forth below:

22. (Twice Amended) A photographic element comprising a transparent polymer sheet, at least one layer containing an image formed by development of negative working photosensitive silver halide and at least one upper protective shield layer to protect the surface of said transparent polymer, and adhesively adhered to the lower side of said element a base material wherein said base is substantially opaque and has a transmission of less than 15 percent wherein said at least one upper protective shield provides protection from fingerprinting and spills of liquids.

Claim 23 has been amended as set forth below:

23. (Amended) . The photographic element of Claim 22 wherein [said] at least one upper shield layer protects said transparent polymer from fingerprints.

Claim 24 has been amended as set forth below:

24. (Twice Amended) The photographic element of Claim 23 wherein said at least one upper shield layer comprises lubricants, film-forming polymeric binder and filler particles wherein said lubricant is selected from the group consisting of silicates, silicone based materials, fatty acids, fatty acid derivatives, alcohols, alcohol derivatives, fatty acid esters, fatty acid amides, polyhydric alcohol esters of fatty acids, paraffin, carnauba wax, natural waxes, synthetic waxes, petroleum waxes, mineral waxes, and fluoro-containing materials wherein said film forming binder is selected from the group consisting of polyurethanes, cellulose acetates, poly(methyl methacrylate), polyesters, polyamides, polycarbonates, polyvinyl acetate, proteins, protein derivatives, cellulose derivatives, polysaccharides, poly(vinyl lactams), acrylamide polymers, poly(vinyl alcohol), derivatives of poly(vinyl alcohol), hydrolyzed polyvinyl acetates, polymers of methacrylates, polymers of alkyl acrylates, polymers of sulfoalkyl acrylates, polyamides, polyvinyl pyridine, acrylic acid polymers, maleic

anhydride copolymers, polyalkylene oxide, methacrylamide copolymers, polyvinyl oxazolidinones, maleic acid copolymers, vinyl amine copolymers, methacrylic acid copolymers, acryloyloxyalkyl sulfonic acid copolymers, vinyl imidazole copolymers, vinyl sulfide copolymers, homopolymer containing styrene sulfonic acid, copolymers containing styrene sulfonic acid, gelatin and combinations thereof and wherein said filler particles are selected from the group consisting of matte beads, silica, glass beads, pigments, and polymeric beads.

Claim 25 has been amended as set forth below:

25. (Amended) . The photographic element of Claim 23 wherein said at least one upper shield layer comprises wax esters of high fatty acids, silicates, carnauba wax, fluoro-containing materials, silica, polymeric beads, polyurethanes, polycarbonates and/or gelatin.

Claim 26 has been amended as set forth below:

26. (Amended) The photographic element of Claim 22 wherein [said] at least one upper shield layer protects said transparent polymer sheet from scratches.

Claim 27 has been amended as set forth below:

27. (Twice Amended) The photographic element of Claim 26 wherein said at least one upper shield layer comprises lubricants, film-forming polymeric binder and filler particles wherein said lubricant is selected from the group consisting of silicates, silicone based materials, fatty acids, fatty acid derivatives, alcohols, alcohol derivatives, fatty acid esters, fatty acid amides, polyhydric alcohol esters of fatty acids, paraffin, carnauba wax, natural waxes, synthetic waxes, petroleum waxes, mineral waxes, and fluoro-containing materials wherein said film forming binder is selected from the group consisting of polyurethanes, cellulose acetates, poly(methyl methacrylate), polyesters, polyamides, polycarbonates, polyvinyl acetate, proteins, protein derivatives, cellulose derivatives, polysaccharides, poly(vinyl lactams), acrylamide polymers, poly(vinyl alcohol), derivatives of poly(vinyl alcohol), hydrolyzed polyvinyl acetates, polymers of methacrylates, polymers of alkyl acrylates, polymers of sulfoalkyl acrylates, polyamides, polyvinyl pyridine, acrylic acid polymers, maleic anhydride copolymers, polyalkylene oxide, methacrylamide copolymers, polyvinyl

oxazolidinones, maleic acid copolymers, vinyl amine copolymers, methacrylic acid copolymers, acryloyloxyalkyl sulfonic acid copolymers, vinyl imidazole copolymers, vinyl sulfide copolymers, homopolymer containing styrene sulfonic acid, copolymers containing styrene sulfonic acid, gelatin and combination thereof wherein said filler particles are selected from the group consisting of matte beads, silica, glass beads, pigments, and polymeric beads.

Claims 29-32 have been cancelled.

Claim 33 has been amended as set forth below:

33. (Twice Amended) The photographic element of Claim 26 wherein said at least one upper shield layer has scratch resistance of greater than 3 grams.

Claim 34 has been amended as set forth below:

34. (Amended) The photographic element of Claim 22 wherein said at least one upper shield comprises more than one functional layer